

Statement by Margaret Bush Wilson
before the U.S. Senate Judiciary Committee
in connection with the
Nomination of Judge Clarence Thomas
to be an Associate Justice
of the United States Supreme Court

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**Margaret Bush Wilson
Wilson & Associates
4054 Lindell Blvd.
St. Louis, MO 63108
(314) 534-4400**

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Mr. Chairman, and members of the Committee, thank you for providing this opportunity to comment on Judge Clarence Thomas as you consider whether to "consent" to his nomination to the Supreme Court of the United States.

Yours is an important constitutional duty. Particularly important because if Judge Thomas serves until the age of his predecessor he will be on the Court until the year 2030.

[Pause for Chairman's Reply]

It is appropriate that you take a long, hard look at Judge Thomas before deciding whether to consent.

It is appropriate that your questions probe, as many of them already have, the fundamental character of the man and how he thinks about and analyzes tough issues.

That, more than anything, and certainly more than his specific views on specific issues will determine what kind of a justice he will be in the first third of the twenty-first century ... what kind of a justice he will be as he deals with problems the likes of which none of us can even imagine, much less frame questions about to probe his specific views.

Maybe I can help you in a small way, to understand who this man is. I make this offer in part because, at least to some degree, the Judge Thomas I have been reading about is not the Judge Thomas I know.

I first heard of Judge Thomas from Senator Jack Danforth, who has already eloquently described the Judge. The Senator told me of a bright, young, 26 year old Yale Law School graduate he had just hired who needed a place to stay during the summer while studying for the Missouri bar.

I volunteered the room which belonged to my son, Robert, who was a law student and planning to work in Washington for that summer.

Mr. Chairman, I have never seen a young man as disciplined as Clarence Thomas was that summer. Every single day he exercised with my son's weights and then applied himself to his studies on a strict schedule and in a disciplined fashion.

I only asked of him one thing.

I would prepare dinner and he would show up -- on time. We ate together every night, often with friends or relatives, and we talked about any and all of the problems of the day. Clarence had vigorous views even then, and we did not always agree.

However, what impressed me was the quality of his thinking. He did not let personal feelings interfere with adopting a principled position based on sound analysis and logical thinking.

Frankly, his arguments both legal and logical often forced me to rethink some of my own views.

I suspect that sometimes our discussion helped him to see things differently too, because he knew how to listen as well as talk.

However, if Clarence did change his view, it was not because I said it, it was because he thought it through and it made sense to him.

Across the years I have kept in touch with Judge Thomas, and to this day, I respect his integrity, his legal mind and his determination.

I have always found him to be sensitive and compassionate, doing what he believes is right and working to make the world a better place.

You have already heard from many organizations (some of which I belong to) whose goals and principles I share and whose positions I usually support.

They have urged you to reject his nomination.

I am sure that many members of these organizations have tempered their opposition to Judge Thomas after seeing him and hearing him this past week. I only hope that the leaders of those organizations see fit to soften their opposition when they testify this week, as well.

Some of his critics have said that despite Judge Thomas' chairmanship of the Equal Employment Opportunity Commission for eight years he does not champion civil rights. They obviously don't know him or the real facts about his tenure at EEOC.

For example the Washington Post has reported that he turned EEOC from an independent agency into one subject to Presidential control, when the historical record reveals that this occurred in the Carter administration.

You have heard a lot about his background so I won't repeat it, but what is important to tell you is that I knew very little about that background until he was nominated, for he was not one to dwell on the past.

His eyes were on the future and he directed his efforts towards it with diligence, enthusiasm and discipline.

Some say he gives no credit to the heroes of the civil rights movement. You have heard his praise for Thurgood Marshall, Martin Luther King, and others during these proceedings. I first heard such sentiments over seventeen years ago.

Throughout the history of the Supreme Court, I do not believe any other nominee can claim to have come so far. We need people of Judge Thomas' unique perspective not only on the Supreme Court, but also in state legislatures, the workplace, city hall, on campus and everywhere else -- including, Mr. Chairman, the United States Senate.

No one can deny that Judge Thomas would differ from Justice Marshall on some issues. I haven't always agreed with the good Justice myself.

But I do believe that both men show a fundamental belief in the inherent worth and right of the individual.

At one of his previous hearings Judge Thomas indicated he became a lawyer because he wanted "to make sure that minorities [and other] individuals who did not have access to the society gained access."

He said that while he might differ with others on how to do it, his objective "has always been to include those who have been excluded."

Let's get more specific for a minute, Mr. Chairman.

I have told you that Clarence Thomas and I have our disagreements.

I have told you that Judge Thomas might disagree with Justice Marshall.

I also know that Judge Thomas has the strength of character to stand up for what he believes and to disagree with the other justices when necessary.

Let me give you a recent specific example that supports that conclusion.

The Judicial Conference asks all judges to file a report with race gender statistics on their law clerks.

I have here an article from the Legal Times of August 5, 1991 which reports that five Reagan judges on the D.C. Court of Appeals have refused to file the data, but that Judge Clarence Thomas was one of the judges who did file his report. He has the courage and independence to disagree with anyone.

One of the most disagreeable charges leveled at Judge Thomas is that he has changed his stated views to gain confirmation. Those who make this unfair charge do not know the man. Judge Clarence Thomas would not violate his principles for any purpose -- and certainly not to gain a seat on the Supreme Court.

I will close by recalling what Judge Thomas himself told you in his original statement concerning the day he left my home and went to Jefferson City to practice law in Attorney General Jack Danforth's office.

When he asked what he owed, I told him nothing, but I did ask him to promise that if he were ever in a position to help others, as I had helped him, he would do so, and he made that promise with enthusiasm.

I think he has been keeping his word ever since and will do so at the Supreme Court.

I am confident he will make a great Justice and will continue to defend and protect the rights of the needy, the powerless and those who have suffered from discrimination.

He will not permit anyone to think for him.

He will not be pigeon-holed.

He will be intellectually honest and when the year 2030 rolls around and history reviews his record compared with what has been said in opposition to him, I am confident that those of you lucky enough still to be here will know that a vote for confirmation was a special gift to our country.

I truly believe that Clarence Thomas can become one of the great justices in our history, and I take pride in recommending him to you Mr. Chairman and to the distinguished members of this Committee. May I respectfully urge that you exercise your constitutional powers of advice and consent to the nomination of Clarence Thomas to be an Associate Justice of the Supreme Court of the United States.